

MEMO ENDORSED

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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December 16, 2022

BY ECF and Email

Honorable Valerie E. Caproni
United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
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Re: **Benthos Master Fund, Ltd. v. Aaron Etra**
20-cv-03384-VEC-KHP

Dear Judge Caproni,

I write to request that the Court amend its order to allow for Mr. Etra's release for a one-week period from Monday December 19, 2022 to Monday December 26, 2022 to permit him the opportunity to purge himself from civil contempt. If he fails to take the necessary steps in that limited seven-day period, he understands that he will again be subject to civil confinement and will be required to surrender to the U.S. Marshals on December 27, 2022. This would provide a powerful coercive measure while practically permitting Mr. Etra to personally take the necessary steps to purge the contempt finding by the Court.

On December 15, 2022, the Court found Mr. Etra in civil contempt and remanded him into the custody of the U.S. Marshals as a coercive measure until he produces documents, pays petitioner \$94,070.78 and complies with all prior Court Orders. After the Court detained Mr. Etra, he was transported to a local hospital for medical attention and later transferred to the MDC. He is currently housed in quarantine at the MDC. I have been informed by the legal department at MDC that he will remain in quarantine until on or about Tuesday, December 20, 2022. While in quarantine, Mr. Etra cannot receive visitors, including legal counsel, and his ability to make phone calls and send emails is greatly restricted. Mr. Etra's confinement has made efforts to

purge the contempt enormously challenging, if not impossible. He does not have civil legal counsel and has not located a friend or family member who could assist him to comply with the Court's directives and purge himself from contempt.

Mr. Etra's incarceration for several days has had a powerful coercive effect. The Court is well aware of the deplorable conditions that exist at the MDC. Even a few days in such conditions is traumatizing and eye opening, particularly for someone who has no prior history of incarceration.

This proposal would allow Mr. Etra a very short window to personally obtain the necessary documents and money while the threat of certain re-incarceration hangs over his head. Without civil counsel or family members able to help while he is detained at MDC, the current order is unlikely to achieve the intended results.

Respectfully submitted,

/s/ Amy Gallicchio

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Cc: Counsel for Petitioner (by ECF and email)

Application DENIED. While the Court understands that conditions at MDC are difficult, Mr. Etra has had months to comply with Petitioner's subpoenas, and the Court has no confidence that releasing him, as opposed to keeping him in coercive confinement, will expedite his compliance with long-standing court orders.

SO ORDERED.

 12/16/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE